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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,080

06/29/2005

Bobby Lamar Waits Jr.

42716-1600

4384

21611 7590 09/26/2007  
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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

09/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,080	<b>Applicant(s)</b> WAITS JR. ET AL.	
	<b>Examiner</b> Winnie Yip	<b>Art Unit</b> 3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-15 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/29/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a first office action .

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this claim, the element “a nut member” is confusing what is different between this element and “a retainer member” as previously defined in claim 1? If they are the same, they should be defined with a same terminology.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No.5,135,340 to Stinson.

Stinson shows and discloses an elastomeric sleeve and retainer assembly for insertion through a hole in a panel (52) to a support structure (54), comprising: a retainer member (37), an elastomeric sleeve (26) being attachable to the retainer member, the elastomeric sleeve (26) being a flexible sleeve with an exterior conical opening and being insertable into the hole of the panel; the retainer member including an expander member (62) attachable to the elastomeric

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sleeve, whereby when a fastener (20) being inserted into the elastomeric sleeve (26) and a locking core bolt (60) of the fastener engages the retainer member (37) to draw it toward an interior surface of the panel such that the expander member (62) is deformed or expanded against an inner surface (56) of the elastomeric sleeve (26) to prevent withdrawal of the retainer member through the hole, the elastomeric sleeve (26) being collapse (50) to seal the retainer assembly to the panel.

**(Notice, in these claims 1-7, the “fastener” is not positively claimed, the order of connection between the elements with respect to the fastener is give very little patentability weight herewith).**

5. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,461,771 to Briles.

Briles shows and discloses an elastomeric sleeve and retainer assembly for insertion through a hole in a panel (10, 18) for receiving a fastener (46) to secure the fastener to the panel, comprising: a retainer member (37), an elastomeric sleeve (22) being attached to the retainer member, the elastomeric sleeve (22) being a flexible sleeve with an exterior conical opening and being inserted into the hole of the panel; an expander member (58) attached to the elastomeric sleeve, and a fastener (46) being inserted into the elastomeric sleeve and engaging the retainer member (37) to draw it toward an interior surface of the panel such that the expander member (58) is expanded against the elastomeric sleeve (22) to prevent withdrawal of the retainer member through the hole, the elastomeric sleeve (22) being collapse to seal the retainer assembly to the panel.

**(Notice, in these claims 1-7, the “fastener” is not positively claimed, the order of connection between the elements with respect to the fastener is give very little patentability weight herewith).**

6. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,765,787 to Briles.

Briles shows and discloses an elastomeric sleeve and retainer assembly for insertion through a hole in a panel (14, 15) for receiving a fastener (30) to secure the fastener to the panel, comprising: a retainer member (42), an elastomeric sleeve (10) being attached to the retainer member, the elastomeric sleeve (10) being a flexible sleeve with an exterior conical opening (39) and being inserted into the hole of the panel; an expander member (38) attached to the elastomeric sleeve, and a fastener (30) being inserted into the elastomeric sleeve and engaging the retainer member (42) to draw it toward an interior surface of the panel such that the expander member (38) is deformed or expanded against the elastomeric sleeve (10) to prevent withdrawal of the retainer member through the hole (see Fig. 3), the elastomeric sleeve (10) being collapse to seal the retainer assembly to the panel, and a sleeve spacer (60) attached to the elastomeric sleeve for securing the elastomeric sleeve in the hole.

**(Notice, in these claims 1-7, the “fastener” is not positively claimed, the order of connection between the elements with respect to the fastener is give very little patentability weight herewith).**

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7. Claims 1-3, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,066,446 to Phillips, II.

Phillips, II shows and discloses an elastomeric sleeve and retainer assembly for insertion through a hole (63) in a panel (62) for receiving a fastener (20) to secure the assembly to the panel, comprising: a retainer member (25), an elastomeric sleeve (42) being attached to a retainer member (44), the elastomeric sleeve (42) being a flexible sleeve and being inserted into the hole of the panel; an expander member (29) attached to the elastomeric sleeve, the expander member is of a split-ring configuration with a first part formed integral with a nut member (27) and a second part (29-31) held adjacent to the first part by the elastomeric sleeve, whereby the fastener (20) is inserted into the elastomeric sleeve (42) and engaging the retainer member (25) to draw it toward an interior surface of the panel such that the expander member (29) expands to prevent withdrawal of the retainer member through the hole and the elastomeric sleeve (42) is made of injected molded material such as rubber as claimed and is collapsed (65) to seal the retainer assembly to the panel and structure.

**(Notice, in these claims 1-7, the “fastener” is not positively claimed, the order of connection between the elements with respect to the fastener is give very little patentability weight herewith).**

*Allowable Subject Matter*

8. Claims 8-15 are allowed.

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9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, whether taken individually or in combination, does not reveal or render obvious an expanding panel fastener assembly being fixed a honeycomb panel structure to a support structure in an aircraft, comprising a flexible sleeve and retainer assembly including an expander member, a flexible member and a nut member/a retainer, the flexible sleeve and retainer assembly being extended through an insert member in the panel and through the support structure, and a fastener member through the flexible sleeve and operatively engaging the nut member to expand the expander member to prevent withdrawn the nut member and to expand the flexible sleeve to seal the support structure as claimed.

#### *Citations*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ando et al. teach an expanding panel fastener assembly having a flexible sleeve and retainer assembly including a flexible sleeve and a nut member to receive a fastener as similar to the claimed invention. McCorkle et al. teach an insert member installed into a hole of a panel as claimed. Stencel et al. '110, Stencel '264, Pratt et al. '604, Mannino et al. '887, Sadri '324, and Siebol '920 teach an expanding panel fastener assembly including flexible sleeve and a fastener extend through the flexible sleeve as similar to the claimed invention.

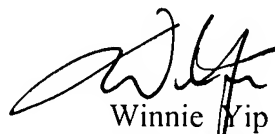
#### *Inquiry Contacts*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip  
Primary Examiner  
Art Unit 3636

wsy  
September 20, 2007